

AB 982 Public Advisory Group

Operating Procedures

ARTICLE I: TITLE AND PURPOSE

Section 1: Title

The name of this advisory body shall be the AB 982 Public Advisory Group (PAG).

Section 2: Purpose

The PAG shall provide advice to the State Water Resources Control Board (SWRCB) to assist in the evaluation of program structure and effectiveness in matters related to the implementation of Clean Water Act Section 303(d) requirements and other applicable federal regulations, as well as other monitoring and assessment programs. The PAG will provide advice on the implementation of AB 982 (attached).

ARTICLE II: AUTHORITY

Section 1: Authority

The PAG is formed pursuant to Section 13191 of the Water Code.

ARTICLE III: MEMBERSHIP

Section 1: Number/Composition of Members

The PAG shall be composed of 24 members. There will be 12 members from the regulated community and 12 members from the environmental community. Each member shall designate an alternate. The alternate shall act as the member in the absence of the primary member.

As stated in Section 13191 of the Water Code, "... the advisory group shall be comprised of persons concerned with the requirements of Section 303(d) of the Clean Water Act." Members shall represent a cross section of interested groups. The PAG members shall be appointed by the SWRCB.

Section 2: Selection of Members

The SWRCB shall appoint PAG members and alternates. The PAG may make recommendations for dismissal of members for good cause and/or appointment of new members or alternates from time to time when positions become vacant. The regulated community members shall make recommendations for any vacant regulated community positions. The environmental community members shall make recommendations for any vacant environmental community positions.

Section 3: Reimbursement of Expenses

If needed, members or their designated alternate shall be reimbursed for any actual expenses incurred to attend a regularly scheduled PAG meeting, including travel and per diem that have received advance approval by the SWRCB. Reimbursement shall be in accordance with prevailing State of California guidelines, procedures, and per diem limits.

ARTICLE IV: MEETINGS, LOGISTICS, AND ADMINISTRATION

Section 1: Regular Meetings

The PAG shall meet at least quarterly over the course of the program. More frequent meetings may be scheduled, if needed. All meetings shall be notified publicly and open to the public.

Section 2: Attendance

Members should attend every meeting or arrange for alternates to attend on their behalf. Members should notify the SWRCB staff in advance of any meeting if the member will not be present.

Section 3: Summary of PAG Actions or Recommendations

Summaries of PAG Actions or Recommendations shall be recorded at all meetings by SWRCB staff, and draft copies shall be distributed to members and made available to the public within a week after the meeting. The previous meeting summary shall be reviewed and adopted at the start of the current meeting.

Section 4: Quorum

The presence of half of the members plus one constitutes a quorum. Proxy votes do not count towards the quorum count.

Section 5: Parliamentary Authority

Robert's Rules of Order shall govern the activities of the PAG in all cases where applicable, and where those rules are not in conflict with these Operating Procedures.

Section 6: Agendas

The PAG's agendas shall be developed by the general membership cooperatively with the SWRCB staff in order to make timely comments on the reports required by AB 982. Standing

agenda items are: (1) meeting summary approval, and (2) public forum (at the end of the agenda).

ARTICLE V: VOTING

Section 1: Consensus

The Policy of the PAG is to seek consensus on all issues and recommendations. The members of the Public Advisory Group intend that PAG meetings foster new ideas, open dialogue, and constructive debate about often contentious issues. It is understood that, as part of this process, comments made by a PAG member during PAG discussions may not always represent the views of the organization represented by that member.

Section 2: Voting

When consensus is not reached, the PAG may vote on issues and recommendations. Each PAG member or alternate shall cast one vote. Alternates shall not vote if a member is present. Minority and majority positions may be submitted to the SWRCB. Written proxy votes are allowed if a member and the alternate are absent. A member or alternate may render their proxy to another member or alternate twice in six consecutive meetings.

ARTICLE VI: OFFICERS

Section 1: Co-Chairs

The PAG shall elect Co-Chairs from its membership. The responsibilities of the Co-Chairs shall include:

1. Preside at all meetings, maintain order and create an environment where all members' input is solicited and respected. The Co-Chairs shall alternate presiding at meetings.
2. The Co-Chairs shall represent the PAG to the SWRCB.

Section 2: Election of Co-Chairs

The Co-Chairs of the Group shall be elected annually. The Co-Chairs shall be elected by a vote of the members present.

ARTICLE VII: RESIGNATION

Section 1: Resignation

A member desiring to resign shall submit a written resignation to the SWRCB Executive Director.

ARTICLE VIII: AMENDMENTS

Section 1: Submission

Proposed amendments to the Operating Procedures may be submitted in writing to the Co-Chairs and will be distributed to the members and the public. The proposed amendments will be discussed at the next scheduled meeting of the PAG. If consensus on the proposed amendments is not reached, the proposed amendments will be voted upon at a subsequent meeting.

Section 2: Approval

Proposed amendments to the Operating Procedures shall be approved by a two-thirds majority of the PAG. Proposed amendments to the operating procedures become effective by approval of the SWRCB.

ARTICLE IX: STAFFING

Section 1: SWRCB Staff

The SWRCB shall provide a staff liaison for the PAG and shall staff the work of the PAG adequately.

Assembly Bill No. 982

CHAPTER 495

An act to add Sections 13191 and 13192 to the Water Code, relating to water.

[Approved by Governor September 27, 1999. Filed with Secretary of State September 27, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 982, Ducheny. Water quality: total maximum daily loads.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with regulatory authority over water quality. Under the federal Clean Water Act, each state is required to identify those waters for which prescribed effluent limitations are not stringent enough to implement applicable water quality standards and to establish, with regard to those waters, total maximum daily loads, subject to the approval of the United States Environmental Protection Agency, for certain pollutants at a level necessary to implement those water quality standards.

This bill would require the state board to convene an advisory group or groups to assist in the evaluation of program structure and effectiveness as it relates to the implementation of the requirements of a specified provision of the federal Clean Water Act and applicable federal regulations. The bill also would require the state board to report, on or before November 30, 2000, and annually thereafter until November 20, 2002, to the Legislature on the structure and effectiveness of its water quality program as it relates to that provision of the federal Clean Water Act. The bill, in addition, would require the state board, on or before November 30, 2000, to assess and report to the Legislature on the state board's and the regional board's current surface water quality monitoring programs, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 13191 is added to the Water Code, to read:

13191. (a) The state board shall convene an advisory group or groups to assist in the evaluation of program structure and effectiveness as it relates to the implementation of the requirements of Section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), and applicable federal regulations and monitoring and assessment programs. The advisory group or groups shall be comprised of persons concerned with the requirements of Section 303(d) of the



Clean Water Act. The state board shall provide public notice on its website of any meetings of the advisory group or groups and, upon the request of any party shall mail notice of the time and location of any meeting of the group or groups. The board shall also ensure that the advisory group or groups meet in a manner that facilitates the effective participation of the public and the stakeholder participants.

(b) Notwithstanding Section 7550.5 of the Government Code, on or before November 30, 2000, and annually thereafter until November 30, 2002, the state board shall report to the Legislature on the structure and effectiveness of its water quality program as it relates to Section 303(d) of the Clean Water Act. The report may include the information required to be submitted by the board to the United States Environmental Protection Agency pursuant to Section 305(b) of the Clean Water Act, and any information required to be submitted to the Legislature pursuant to the Supplemental Report of the Budget Act of 1999. In formulating its report, the state board shall consider any recommendations of the advisory group or groups.

SEC. 2. Section 13192 is added to the Water Code, to read:

13192. (a) Notwithstanding Section 7550.5 of the Government Code, the state board, on or before November 30, 2000, shall assess and report to the Legislature on the State Water Resources Control Board's and regional water control board's current surface water quality monitoring programs for the purpose of designing a proposal for a comprehensive surface water quality monitoring program for the state. The report shall include a proposal for the program, including steps and costs associated with developing the full program, cost of implementation of the program after development, and appropriate funding mechanisms, including any fee structure. The board may include in the report information required to be submitted to the United States Environmental Protection Agency pursuant to Section 305(b) of the Clean Water Act, information required to be submitted pursuant to paragraph (1) of subdivision (c) of Section 13181, and any information required to be submitted to the Legislature pursuant to the Supplemental Report of the Budget Act of 1999.

(b) In considering and designing the proposal, the state board shall address factors that include, but need not be limited to, all of the following:

(1) Physical, chemical, biological, and other parameters about which the program shall collect and evaluate data and other information and the reasonable means to ensure that the data is accurate in determining ambient water quality.

(2) The use of models and other forms of information not directly measuring water quality.

(3) Reasonable quality assurance and quality control protocols sufficient to allow sound management while allowing and



encouraging, where appropriate, data collection by entities including citizens and other stakeholders, such as dischargers.

(4) A strategy to expeditiously develop information about waters concerning which the state presently possesses little or no information.

(5) A strategy for assuring that data collected as part of monitoring programs, and any associated quality assurance elements associated with the data collection, be made readily available to the public.

(6) A strategy for assessing and characterizing discharges from nonpoint sources of pollution and natural background sources.

(7) A strategy to prioritize and allocate resources in order to effectively meet water quality monitoring goals.

(c) Nothing in this section affects the authority of the regional water quality control boards.

